

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, December 2, 2015, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

Bill No. 2602

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE CRIMINAL ASSETS FORFEITURE FUND (*Kaua'i Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00 (Operating Budget)*)

The purpose of this Bill is to amend Ordinance No. B-2015-796, as amended, relating to the Operating Budget of the County of Kaua'i, by revising the amounts estimated in the Criminal Assets Forfeiture Fund (Equity/Fund Balance Assigned) and transferring \$300,000 to the General Fund – CIP to purchase and construct a new Kaua'i Police Activities League (KPAL) Youth Center, which will double as an interim training facility for the Kaua'i Police Department (KPD), and to also purchase equipment for the facility.

Bill No. 2603

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND CIP (*Kaua'i Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00 (CIP Budget)*)

The Bill proposes to amend Ordinance No. B-2015-797, as amended, relating to the Capital Budget of the County of Kaua'i, by revising the amounts in the General Fund – CIP to establish a new project in the amount of \$300,000 entitled Police Training Building Facility/KPAL. The new project will include the purchase and construction of a new Kaua'i Police Activities League (KPAL) Youth Center, which will also be used as an interim training facility for the Kaua'i Police Department (KPD), funding will also be used to purchase equipment for the new facility.

Bill No. 2605

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND CIP (*Coco Palms Resort Development Use Permit Conditions – \$110,000.00*)

The purpose of this Bill is to amend Ordinance No. B-2015-797, as amended, relating to the Capital Improvements Projects (CIP) Budget of the County of Kaua'i for the Fiscal Year July 1, 2015 through June 30, 2016, by revising the amounts estimated in the Development Fund-CIP. This amendment provides for the receipt and expenditure of funds from the developer, pursuant to conditions established as part of Project Development Use Permit PDU-2015-7, condition numbers 1, 2, and 10, as follows:

- Wailua/Waipouli Historic Preservation Program - \$50,000
- Wailua Area Moku/Ahupua'a Signage - \$50,000
- Wailua Area Kaua'i Bus Stop Construction - \$10,000

Bill No. 2606

A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION 5A-9.3, RELATING TO A HOMESTEAD TAX CAP FOR HOME EXEMPTION AND LONG TERM AFFORDABLE RENTAL PROPERTIES

This Bill proposes to amend Chapter 5A, Article 9, Kaua'i County Code 1987, as amended, by adding a new Section 5A-9.3, relating to a Homestead Tax Cap for home exemption and long term affordable rental properties. The purpose of this Bill is to implement a Homestead Tax Cap for owner-occupied properties that receive a homeowner exemption and also for long term affordable rental properties.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the proposed Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend these Bills at its subsequent meetings. Meeting notices are posted at least 6 days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bills Nos. 2602, 2603, 2605, and 2606 were passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on November 4, 2015, by the following vote:

AYES: Chock, Hooser, Kaneshiro, Kualii, Yukimura, Rapozo	TOTAL – 6,
NOES: None	TOTAL – 0,
EXCUSED & NOT VOTING: Kagawa	TOTAL – 1,
RECUSED & NOT VOTING: None	TOTAL – 0.

Lihu'e, Hawai'i  
November 5, 2015

/s/ Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – November 10, 2015)

ORDINANCE NO. \_\_\_\_\_

BILL NO. 2602

**A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796,  
AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE  
COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY  
1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS  
ESTIMATED IN THE CRIMINAL ASSETS FORFEITURE FUND**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. That pursuant to Section 19.07B and Section 19.10A of the Charter of the County of Kauai, as amended, Ordinance No. B-2015-796, as amended, relating to the Operating Budget of the County of Kauai, State of Hawaii, for the Fiscal Year July 1, 2015 through June 30, 2016, be hereby amended as follows:

The sum of \$300,000.00 by revising the amounts estimated in the Criminal Assets Forfeiture Fund from the following account:

206-0000-272.00-00	Equity / Fund Balance - Assigned	[\$300,000.00]
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Be and is hereby appropriated for the following purpose:

206-0000-261-01-00	Contribution To / From Capital Improvement Projects Contributions Out to General Fund-CIP	\$300,000.00
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SECTION 2. This Ordinance shall take effect upon approval.

Introduced by:



ARRYL KANESHIRO  
(By Request)

DATE OF INTRODUCTION:

November 4, 2015

Lihu'e, Kauai, Hawaii

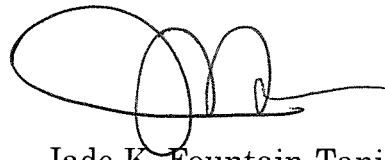
V:\BILLS\2014-2016 TERM\Criminal Assets Forfeiture Fund-AK-ET\_lc.docx

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2602, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on November 4, 2015, by the following vote:

FOR PASSAGE:	Chock, Hooser, Kaneshiro, Kualii, Yukimura, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
November 5, 2015



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

ORDINANCE NO. \_\_\_\_\_

BILL NO. 2603

**A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797,  
AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY  
OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015  
THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN  
THE GENERAL FUND CIP**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. That pursuant to Section 19.07B and Section 19.10A of the Charter of the County of Kaua'i, as amended, Ordinance No. B-2015-797, as amended, relating to the Capital Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2015 through June 30, 2016, be hereby amended as follows:

The sum of \$300,000.00 by revising the amounts estimated in the General Fund CIP:

Contribution To / From Capital Improvement Projects	[ \$300,000.00 ]
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Be and is hereby appropriated for the following purpose:

<u>Police Training Building / Facility (KPAL)</u>	<u>*NEW*</u>	<u>\$300,000.00</u>
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SECTION 2. This Ordinance shall take effect upon approval.

Introduced by:



ARRYL KANESHIRO

(By Request)

DATE OF INTRODUCTION:

**November 4, 2015**

Lihu'e, Kaua'i, Hawai'i

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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2603, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on November 4, 2015, by the following vote:

FOR PASSAGE:	Chock, Hooser, Kaneshiro, Kualii, Yukimura, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
November 5, 2015



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i

ORDINANCE NO. \_\_\_\_\_

BILL NO. 2605

**A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797,  
AS AMENDED, RELATING TO THE CAPITAL BUDGET OF  
THE COUNTY OF KAUAI, STATE OF HAWAII, FOR  
THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY  
REVISING THE AMOUNTS ESTIMATED IN THE  
DEVELOPMENT FUND CIP**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. That pursuant to Sec.19.07B and 19.10A of the Charter of the County of Kauai, as amended, Ordinance No. B-2015-797, as amended, relating to the Capital Budget of the County of Kauai, State of Hawaii, for the Fiscal Year July 1, 2015 through June 30, 2016, be hereby amended as follows:

The following amounts are approved upon acceptance of receipt of funds from the developer of Project Development Use Permit PDU-2015-7 related to conditions #1, #2, #10, and hereby amends the Development Fund CIP as follows:

404-0000-272.00-00 Equity/Fund Balance-Assigned [\\$110,000]

<u>Wailua/Waipouli Historic Preservation Program</u>	<u>*NEW*</u>	<u>\$50,000</u>
<u>Wailua Area Moku/Ahupua'a Signage</u>	<u>*NEW*</u>	<u>\$50,000</u>
<u>Wailua Area Kauai Bus Stop Construction</u>	<u>*NEW*</u>	<u>\$10,000</u>

SECTION 2. This Ordinance shall take effect upon its approval.

Introduced by:

  
ARRYL KANESHIRO  
(By Request)

DATE OF INTRODUCTION:

November 4, 2015

Lihu'e, Kauai, Hawaii

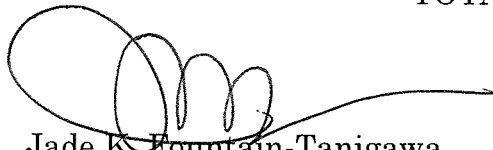
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2605, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on November 4, 2015, by the following vote:

FOR PASSAGE:	Chock, Hooser, Kaneshiro, Kualii, Yukimura, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i  
November 5, 2015



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i



**A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 9,  
KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW  
SECTION 5A-9.3, RELATING TO A HOMESTEAD TAX CAP FOR HOME  
EXEMPTION AND LONG TERM AFFORDABLE RENTAL PROPERTIES**

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BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to implement a Homestead Tax Cap for owner-occupied properties and long term affordable rentals. This tax cap would cap an increase to real property taxes in any one year by not more than one hundred percent (100%) of the latest annual Consumer Price Index for all Urban Consumers as published by the United States Bureau of Labor Statistics.

SECTION 2. Article 9, Chapter 5A of the Kauai County Code 1987, as amended, is hereby amended by adding a new section to read as follows.

“Sec. 5A-9.3 Homestead Tax Cap for Home Exemption Property and Long Term Affordable Rental.

(a) Any owner who has a home exemption pursuant to Sec. 5A-11.4, Kauai County Code 1987, as amended, or receives the beneficial tax rate due to long term affordable rental pursuant to Sec. 5A-11A.1 shall receive a Homestead Tax Cap.

(b) Any owner with a home exemption or long term affordable rental who does not want the Homestead Tax Cap shall inform the Director in writing by September 30th.

(c) The Director shall note on the notice of assessment or tax bill, or both, that the property receives the Homestead Tax Cap.

(d) Notwithstanding any provision in this Section to the contrary, any owner may stop his or her Homestead Tax Cap for any reason and at any time without the imposition of any rollback taxes, penalties, and interest whatsoever.

(e) Property receiving the Homestead Tax Cap shall be taxed in the following manner:

(1) The property shall be taxed based on its assessed value, provided that, any increase in taxes from the prior tax year shall not

exceed one hundred percent (100%) of the latest annual Honolulu Consumer Price Index for all Urban Consumers (CPI-U) as published by the United States Bureau of Labor Statistics.

(A) Notwithstanding the foregoing, if any improvements are undertaken on the property, and such improvements increase the fair market value of the property, the taxes shall be increased based on the fair market value of the improvements undertaken, except as follows:

(i) If property is damaged by fire, wave, earthquake, flood, wind, natural disaster, or accident, any increase in taxes due to repairs or reconstruction shall not exceed one hundred percent (100%) of the latest annual Honolulu Consumer Price Index for all Urban Consumers (CPI-U) over the taxes for the tax year following the last assessment of the undamaged property.

(B) If property receiving the Homestead Tax Cap subsequently increases in assessed value due solely to actions of the owner in changing use within the property itself, such as but not limited to, change in the agricultural use or the number of homesites, or breach or expiration of any dedication, or the creation of a subdivision or condominium property regime, the taxes shall be increased based on the increase in the assessment value due to such change in use.

(C) If there is an error in any year's assessment the correction of which is not permitted under the terms of Section 5A-1.19, the taxes for the next year shall be based on what the taxes would have been for the previous year without the error.

(2) In the case of properties that are multiuse parcels or structures, the entire property shall receive the homestead tax cap, but shall be classified and taxed at the highest applicable tax rate based on the property's use.

(f) The Director shall calculate the Homestead Tax Cap as prescribed in subsection (e).

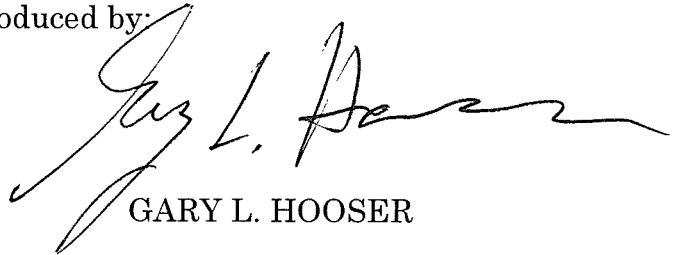
(g) Upon transfer or sale of property, real property taxes shall be reset to reflect the current assessment of property and tax rates."

SECTION 3. If any provision of this Ordinance, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 4 Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, the brackets, bracketed material and underscoring shall not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

Introduced by:



GARY L. HOOSER

DATE OF INTRODUCTION:

November 4, 2015

Lihu'e, Kaua'i, Hawai'i

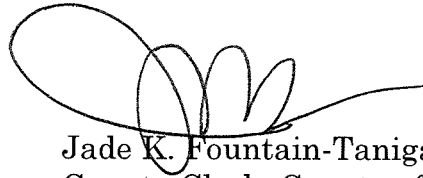
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2606, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on November 4, 2015, by the following vote:

FOR PASSAGE:	Chock, Hooser, Kaneshiro, Kualii, Yukimura, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i  
November 5, 2015



Jade K. Fountain-Tanigawa  
County Clerk, County of Kaua'i